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| 10/023,678      | 12/18/2001  | Georgina Sweeney     | 1713A1              | 3528             |

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09/24/2004

PPG INDUSTRIES, INC.  
Intellectual Property Department  
One PPG Place  
Pittsburgh, PA 15272

EXAMINER

GODDARD, BRIAN D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2171

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,678

Applicant(s)

SWEENEY ET AL.

Examiner

Brian Goddard

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/19/2002</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-20, 24 and 28-47 are objected to because of the following informalities:  
The use of parentheses in claims is intended only to introduce reference numerals used throughout the specification into the claims, wherein subject matter enclosed within parentheses is given no patentable weight (See MPEP § 608.01(m)). Any other usage of parentheses leads only to confusion in the claims, as evidenced below in the Section 112, second paragraph rejections. The parenthetical numerals in the pending claims should be removed and/or alternative means of antecedent basis should be created. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-6, 8, 12-15 and 40-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 3, it is unclear whether the recited "step (4)" is a recitation of a new claim step or a further limitation on a prior claim step that does not exist because the use of the language "wherein step (4) comprises" implies that a fourth step was

previously recited, which is not the case. The examiner suggests, and hereby interprets, that "wherein step (4) comprises..." should be "further comprising..."

Claims 4-6 depend upon claim 3, and therefore suffer the same deficiencies.

Claim 8 recites the limitation "the device". There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the examiner assumes that "the device" refers to the 'data transfer device' of claim 7.

Claim 12 recites the limitation "the vehicle" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the examiner assumes that claim 11 (from which claim 12 depends) should be dependent upon claim 2 instead of claim 1 as written.

Referring to claim 13, it is unclear what is meant by "in the order of the information of (i)-(xx) of claim 11." Claim 11 recites a group of items of status information, while claim 13 appears to be further limiting the order in which repair steps which result in this status data are performed. However, claim 13's transition between a list of status information and an ordering of steps in a method is insufficient and generally indefinite. Again, the use of numerals within parentheses to form antecedent basis lends further confusion to this matter. In the interest of compact prosecution, the examiner interprets the claim to the best of his ability as shown below.

Referring to claim 14, the limitation "repair steps (v), (x), (xv), and (xx)" in the second line of the claim lacks sufficient antecedent basis. Namely, the limitations supposedly referred to by (v), (x), (xv), and (xx) are NOT "repair steps" as claimed. These limitations are status data information. Again, the use of numerals within

parentheses to form antecedent basis lends total confusion to this matter. In the interest of compact prosecution, the examiner interprets the claim to the best of his ability as shown below.

Claim 15 depends from claim 14, and therefore suffers from the same deficiencies.

Claims 40-42 are rejected on the same basis as claims 13-15 respectively. See the discussions regarding claims 13-15 above for the corresponding deficiencies in these claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0007289 to Malin et al.

Referring to claim 1, Malin discloses a method of determining the status of an article on which work is being performed as claimed. See Figures 1-8 and the corresponding portions of the specification for this disclosure. Malin teaches "a method

of determining the status of an article on which work is being performed [See Fig. 1]  
comprising the steps of:

electronically transferring [See ¶ 0034 & 0057-0058 and Steps 925-930] data on  
the status [repair status] of an article [vehicle / automobile] to a computer database  
[750];

searching [See Step 935] the computer database [750] to locate the article; and  
identifying data on the status [requested status data is provided to the requester  
(See Steps 145 and 935)] of the article” as claimed.

Referring to claim 2, Malin teaches the method of claim 1, as above, wherein the  
article is a vehicle undergoing repair as claimed. See the Title, Abstract and all parts of  
the specification for this disclosure.

Referring to claim 3, Malin teaches the method of claim 2, as above, further  
comprising “electronically transferring [See Step 935 & Figs. 7-8] the identified data to a  
remote location [735 (transferred from Platform Server 740 to Customer/3<sup>rd</sup> Party  
System 735)]” as claimed.

Referring to claim 4, Malin teaches the method of claim 3, as above, further  
comprising electronically requesting [See Step 935] the status of the vehicle prior to the  
searching step [the database is searched for data that is requested] as claimed.

Referring to claims 5 and 6, Malin teaches the method of claim 4, as above,  
wherein the steps are performed on a global computer communications network [710  
(e.g. the Internet)] as claimed.

Referring to claims 7 and 8, Malin teaches the method of claim 2, as above, wherein the step of electronically transferring comprises entering the status data on the vehicle status into a data transfer device [Shop Terminal 220] and transferring [See Figs. 1 & 9, particularly Step 930] the status data from the data transfer device [220] to the computer database [750], wherein the data transfer device is portable [See ¶ 0100] as claimed.

Referring to claims 9 and 10, Malin teaches the method of claim 2, as above, wherein the computer database [750] stores an identifier for the vehicle [See ¶ 0045 and Figs. 3 & 7] and the searching step comprises searching for the identifier of the vehicle [See Figs. 7-9], wherein the identifier is a repair order number [See Fig. 3] as claimed.

Referring to claims 11, Malin teaches the method of claim 1, as above, wherein the status data includes...[See Fig. 3] as claimed.

Referring to claims 12 and 13, Malin teaches the method of claim 11, wherein the vehicle undergoes repair steps ['tasks' based on the repair plan (See Figs. 1, 3 & 5-6)] which result in the status data of claim 11 [See Fig. 3], wherein said repair steps are performed in such an order [See Figs. 1, 3, 6 & 9] as to generate the information of claim 11 in sequence.

Referring to claim 14, Malin teaches the method of claim 12, as above, wherein the status of the vehicle is provided to the owner of the vehicle [See Step 145, Figs. 7-8, and Steps 935-945] following at least one of the repair steps, including repair completion [See Step 945] as claimed.

Referring to claim 15, Malin teaches the method of claim 14, as above, wherein the status of the vehicle is automatically provided [e.g. via electronic message (See Steps. 935 & 945 and Figs. 7-8)] to the owner of the vehicle as claimed.

Referring to claim 16, Malin teaches a method of tracking the repair process of a vehicle that is in a repair shop [See above], comprising the steps of:

periodically electronically transferring...[See claims 1-2 above];

determining the length of time ['cycle time'] that the status data for each vehicle remains unchanged ['dead time'] via software on the computer [statistical analysis module (See Figs. 2, 7 & 8)]; and

identifying a vehicle for which the status data is unchanged beyond a predetermined length of time [See ¶ 0052 & 0074]...as claimed.

Referring to claim 17, Malin teaches the method of claim 16, as above, wherein the status data is transferred daily [See Figs. 1 & 9] as claimed.

Claim 18 is rejected on the same basis as claim 11, in light of the basis for claim 16. See the discussions regarding claims 1, 2, 11 and 16 above for the details of this disclosure.

Claim 19 is rejected on the same basis as claim 7, in light of the basis for claim 16. See the discussions regarding claims 1, 2, 7 and 16 above for the details of this disclosure.

Claim 20 is rejected on the same basis as claim 10, in light of the basis for claim 16. See the discussions regarding claims 1, 2, 9-10 and 16 above for the details of this disclosure.



Referring to claims 21 and 23, Malin discloses the system for determining the status of an article on which work is being performed as claimed. See the discussions regarding claims 1-3 and 7 above for the details of this disclosure.

Claim 22 is rejected on the same basis as claim 8, in light of the basis for claim 21. See the discussions regarding claims 1-3, 7-8 and 21 above for the details of this disclosure.

Claim 24 is rejected on the same basis as claim 11, in light of the basis for claim 23. See the discussions regarding claims 1-3, 7, 11, 21 and 23 above for the details of this disclosure.

Claims 25-26 are rejected on the same basis as claims 9-10 respectively, in light of the basis for claim 24. See the discussions regarding claims 1-3, 7, 9-11 and 24 above for the details of this disclosure.

Claim 27 is rejected on the same basis as claims 5-6, in light of the basis for claim 21. See the discussions regarding claims 1-3, 5-7 and 21 above for the details of this disclosure.

Claims 28-32 are rejected on the same basis as claims 1-5 respectively. See the discussions regarding claims 1-5 above for the details of this disclosure.

Claims 33-34 are rejected on the same basis as claims 9-10 respectively, in light of the basis for claim 29. See the discussions regarding claims 1-2, 9-10 and 28-29 above for this disclosure.

Claim 35 is rejected on substantially the same basis as claims 7 & 8 above, in light of the basis for claim 29. See the discussions regarding claims 1-2, 7-8 and 28-29 above for the details of this disclosure.

Claims 36-37 are rejected on the same basis as claims 7-8 respectively, in light of the basis for claim 35. See the discussions regarding claims 1-2, 7-8 and 28-29 above for the details of this disclosure.

Claims 38-42 are rejected on the same basis as claims 11-15 respectively, in light of the basis for claim 29. See the discussions regarding claims 1-2, 11-15 and 28-29 above for the details of this disclosure.

Claims 43-47 are rejected on the same basis as claims 16-20 respectively. See the discussions regarding claims 16-20 above for the details of this disclosure.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,308,120 to Good; U.S. Patent Application Publication No. 2003/0171981 to Bargnes et al.; and U.S. Patent Application Publication No. 2002/0035488 to Aquila et al. are each considered particularly pertinent to applicants' claimed invention.

The remaining art of record is considered pertinent to applicants' disclosure, and/or portions of applicant's claimed invention.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 703-305-7821 until 21 October 2004, and 571-272-4020 after that date. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436 until 21 October 2004, and 571-272-4023 after that date. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg  
17 September 2004

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100